



Village of Lincolnwood Zoning Board of Appeals

Meeting

**Wednesday, February 21, 2024
7:00 P.M.**

in the

**Gerald C. Turry Village Board Room
Lincolnwood Village Hall - 6900 North Lincoln Avenue**

Meeting Agenda

1. **Call to Order/Roll Call**
2. **Pledge of Allegiances**
3. **Approval of Minutes**
 - August 16, 2023 Meeting Minutes
 - October 25, 2023 Meeting Minutes
4. **Case #ZB-01-24: 6446 North Spaulding Avenue – Zoning Variation Related to the Setback of an Attached Accessory Structure**
 - Request:** Consideration of a request by Wamidh Jawad, property owner, for approval of a Zoning Variation related to Section 3.08(6) to reduce the required setback of a pergola from the north lot line to approximately 2.6 feet. During the Public Hearing, the Zoning Board of Appeals may consider any additional relief related to this case.
5. **Next Meeting: Thursday, March 21, 2024**
6. **Public Comment**
7. **Adjournment**

Posted: February 16, 2024



***Draft* MEETING MINUTES
OF THE
August 16, 2023
ZONING BOARD OF APPEALS
LINCOLNWOOD VILLAGE HALL
Gerald C. Turry Village Board Room**

Zoning Board of Appeals Members Present: Chairman Bruce Heller, Commissioners Martin Youkhanna, Anna Velasquez, Rizwan Hussain

It was announced that Commissioner Meldina Dervisevic would arrive a couple minutes late and her arrival would be announced for the record.

Absent: Commissioners Syed Mudassir and Aida Cantic

Staff Present: Doug Hammel, Planning and Economic Development Manager

I. Call to Order/Roll Call

Chairman Heller noted a quorum of four members and called the meeting to order at 7:03 p.m.

II. Pledge of Allegiance

III. Approval of July 31, 2023, ZBA Meeting Minutes

Planning and Economic Development Manager Doug Hammel stated that Commissioner Youkhanna made him aware of a typo on page three in the minutes stating that Commissioner Hussain both made a motion and seconded that motion. The text was corrected to state that Commissioner Dervisevic seconded the motion.

Mr. Hammel recommended the revision to be part of the motion.

Motion: Chairman Heller made a motion to accept the revised minutes.
The motion was seconded by Commissioner Youkhanna.

Aye: Hussain, Youkhanna, and Heller

Nay: None

Abstain: Commissioner Velasquez

Motion Approved: 3-0

Chairman Heller announced that the meeting would go into recess until Commissioner Dervisevic's arrival.

Chairman Heller announced the end of the recess.

Mr. Hammel noted that Commissioner Dervisevic arrived at 7:15pm, prior to the start of the first case.

IV. Case #ZB-03-23: 3601 West Pratt Avenue – Zoning Variation to Allow a Fence in the Front Yard

Planning and Economic Development Manager Doug Hammel reviewed what was previously discussed at the July 31, 2023, ZBA meeting.

The petitioner was originally seeking a Variation from Section 3.13(9)c that states, “*fencing shall not be allowed in front yards, except as provided in this section.*” The petitioner’s original proposal included a six-foot tall fence and an operable gate that would span the driveway.

Mr. Hammel reviewed the concerns of the Commissioners from the July 31st meeting including visibility issues for cars and people as cars back out of the driveway and the location, design, and opening operation of the gate. The impact to the Pratt Avenue sidewalk from parked cars in the driveway and the gap between the hedges along the sidewalk was also a concern.

Mr. Hammel stated that since the previous ZBA meeting, the petitioner met with him on multiple occasions to come to an agreement on a revised proposal. The revised proposal included a four-foot-tall semi-private fence running along the Pratt Avenue lot line and the interior edge of the driveway on the subject property. The proposal did not include a gate across the driveway or fences along either side lot line. The proposal included an acknowledgement that the proposed fence would be required to be located on the petitioner’s property, potentially creating a gap between the fence and the hedges along the Pratt Avenue sidewalk.

Mr. Hammel explained that the petitioner and staff discussed trimming the hedges along the Pratt Avenue sidewalk to a height of five feet and that the hedges be maintained at that height going forward. Mr. Hammel stated that staff recommends the trimming of the hedges as a condition of approval if the ZBA was inclined to recommend approval of the revised proposal.

The revised proposal also included an acknowledgment that the proposed fence would be required to be located on the petitioner’s property. This would create an approximate 12-foot gap between the sidewalk and the lot line, where the hedge line is located. Mr. Hammel stated that the petitioner raised the concern that the gap may remain unmaintained as it is a public right of way. Therefore, staff recommended that if approved, the petitioner be allowed to plant additional plantings or hedges to expand the width of the hedge row to abut the property line.

Mr. Hammel reviewed new considerations based on the revised proposal. First, he noted that the petitioner acknowledged that the fence would be on the property line creating a gap between the hedges and the fence. Second, he noted that the petitioner agreed to maintain the height of the hedges at five feet. Third, he noted that the petitioner may need flexibility on the location of where the fence meets the home due to an existing gas meter.

Mr. Hammel reviewed public comment concerns from the July 31st meeting:

- Maintenance of the subject property and the screening along Pratt Avenue;
- The limited visibility when turning from Central Park Avenue onto Pratt Avenue;
- The proximity to Drake Park;
- The pedestrian traffic generated by children and families seeking to access Drake Park; and
- The precedent that may be set by granting the petitioner's request.

Mr. Hammel reminded the Commissioners of the Variation standards that should be taken into consideration and past similar requests that were reviewed in the July 31st meeting.

He stated that the petitioner would like a Zoning Variation from Section 3.13(9)c to allow a fence in the front yard of a residential property at 3601 West Pratt Avenue. The request included a condition that the hedges along Pratt Avenue sidewalk be maintained by the petitioner to a height of no more than five feet. That the gap in the public right-of-way between the fence and hedges may be planted with additional landscaping or hedges (subject to condition of height) and that the fence location where it meets the home may be modified to accommodate an existing gas meter and appropriate setback from it.

Petitioner Kiran Shahzadi was sworn in.

Commissioner Hussain asked the petitioner how a visitor would enter the yard. Mr. Hammel clarified that the plans included a gate near the house that would provide access directly to the existing patio.

Commissioner Youkhanna asked for clarification on the location of the front door. The petitioner explained that the front door would not be enclosed by the fence.

Chairman Heller noted that the original request included a fence along the west lot line but was not included in the revised proposal. Mr. Hammel clarified that the petitioner would rely on their neighbors' fence already installed along the west lot line. Chairman Heller then suggested that the fence along the west lot line be approved regardless of the petitioner's plans, in case the neighbor's fence were to be removed in the future. This would allow the Petitioner to add a fence to the west lot line without seeking approval from the ZBA in the future, should the fence be removed.

Chairman Heller suggested language in the recommended approval that the hedges be maintained in perpetuity so that the fence would constantly be hidden by the hedges. He stated that if a hedge dies due to disease, a new hedge would need to take its place to maintain adequate screening.

Commissioner Hussain asked Mr. Hammel to explain the nature of the Village code concerning the hedges in the public right-of-way. Mr. Hammel explained that the hedges are legal non-conforming. Commissioner Hussain stated that the request Chairman Heller suggested would add additional hardship to the petitioner. Chairman Heller explained that his intention for the suggestion was to prevent a precedent for future fences in the front yard.

Mr. Hammel provided a past example of the Board approving a fence with a condition of natural screening.

There was some discussion about the material and design of the neighboring fence and the proposed fence. Mr. Hammel clarified that the proposed fence would be a semi-private, wood fence and the neighboring fence is a four-foot-tall chain-link fence.

Commissioner Dervisevic asked about the process of putting in a new fence, since part of the six-foot fence was already installed prior to the petitioner seeking approval from the Village. The petitioner explained that the six-foot fence would be removed, and the four-foot fence would be reinstalled.

Commissioner Youkanna asked for clarification on what type of additional landscaping would be added to the gap between the existing hedges and the new fence. Mr. Hammel explained that beyond communicating what the Village code allows, he and the petitioner had not discussed specifics of the landscaping prior to the meeting.

Commissioner Hussain asked if the petitioner was required to fill in the gap between the hedges and the fence. Mr. Hammel confirmed that the petitioner would not be required to fill in the gap.

There was some discussion about the specific length of the gap from the sidewalk. Mr. Hammel confirmed that from the back edge of the sidewalk to the property line, the distance was 11 feet, in which the existing hedges cover most of the area.

Commissioner Hussain asked the petitioner if they were willing to agree to maintaining the hedges. The petitioner confirmed that she was willing.

Motion: Commissioner Hussain made a motion to approve a four-foot semi-private fence as proposed, with the condition to maintain the hedges along Pratt Ave. to be no more than 5-feet, including replacing dead or damaged hedges, for screening purposes. Additionally, the fence would be within the property lines, based on the unique circumstances of the property not having a rear yard, the front yard fence would act as the only yard located on the property. Lastly, the petitioner would have the ability build a four-foot fence on the lot line to the west.

The motion was seconded by Commissioner Youkhanna.

Aye: Youkhanna, Velasquez, Hussain, Dervisevic, and Heller

Nay: None

Abstain: None

Motion Approved: 5-0

This item will go to the Village Board on September 7, 2023.

V. **Case #ZB-05-23: 6851 North Knox Avenue – Zoning Variation Related to Side Yard and Rear Yard Setbacks**

This case was continued without discussion during the July 19 and July 31, 2023, meetings.

Request: Consideration of a request by Karmel Feghali, property owner, for approval of the following Zoning Variations from Section 4.11 to allow for an addition to a single-family home: 1) a reduction in the required side yard setback along the north lot line from six feet to 4.66 feet, and 2) a reduction in the required rear yard setback from 30 feet to 20 feet.

Planning and Economic Development Manager Doug Hammel gave a staff presentation. He explained that the petitioner was seeking approval for a single-story addition along the north lot line running from the north side of the home toward the west rear lot line. The addition would accommodate an expanded kitchen, new dining area, and new family room on the ground floor. The plans included a small addition to the second story to accommodate a walk-in closet for the second-story bedroom. The addition would increase the overall floor area from just over 2,000 square feet to 2,975 square feet and would increase the building footprint from 1,100 square feet to 1,770 square feet. The proposed plans also included an expanded wood deck along the interior edge of the new addition.

Mr. Hammel explained that the plans would require relief from Section 4.11. Section 4.11 establishes a minimum side yard setback of the greater of five feet or ten percent of the lot width. The subject property has a lot width of 60 feet, making the minimum interior side yard setback six feet. However, the plan indicated that the side yard setback along the north lot line would remain at 4.66 feet for the proposed addition to match the current garage setback.

Section 4.11 also establishes a rear yard setback of 30 feet. The plan for the proposed addition included a façade that extends ten feet into the required rear yard setback, approximately one-quarter of the length of the proposed addition. Therefore, a Variation would be required to allow a rear yard setback of 20 feet.

Mr. Hammel reviewed considerations related to the request. This included that the attached garage had a legal non-conforming setback of 4.66 feet from the north lot line (6' setback is required). Therefore, the proposed addition would be consistent with the existing legal non-conforming setback. Additionally, he stated that an addition that is consistent with an existing legal non-conforming setback is sometimes eligible for the Minor Variation process. However, due to the length of the proposed addition, it would not be eligible for the Minor Variation process.

Mr. Hammel also noted that the proposed addition would be adjacent to the interior side lot line of 6857 North Knox Avenue (property to the north). The private yard area of 6857 North Knox has a limited area of 900 square feet abutting the shared lot line. The proposed addition would run approximately two-thirds the length of the private yard area at 6857 North Knox.

Mr. Hammel also noted that the proposed addition would exceed the utilization of the permitted buildable envelope. The proposed addition would require a ten-foot encroachment into the required rear yard setback while other portions of the buildable envelope would remain unutilized.

Mr. Hammel noted the Variation standards that should be considered and that no public comment was received prior to the meeting.

Petitioner Karmel Feghali was sworn in and explained her motivation behind requesting the addition to the property.

Commissioner Youkhanna asked if there was a fence between the subject property and the north neighbor. The petitioner stated that there is a fence and trees along the property line between the two properties.

There was discussion of the addition and its impact on the neighboring property concerning the size of shadows cast over the deck or the size of windows on the building addition that would face the neighboring property.

Commissioner Hussain asked the petitioner to explain what would happen if the petitioner had to conform to the existing setback requirements. The petitioner explained the requested side yard setback variation was included in the plan for aesthetic purposes. She also explained that not being able to expand the rear yard setback would inhibit her family from gathering. She noted that the deck extension was less important and could be removed from the plan if needed.

There was some discussion about the side yard setback needing to align with the garage. Commissioners Velasquez and Hussain were in favor of continuing the side yard setback of 4.66 ft to align with the garage. There was some discussion about the rear yard setback and yard space.

Motion: Commissioner Hussain made a motion recommending approval of the request as presented based on the difficulty and hardship the petitioner would have if they had to meet the side yard setback, and the size of the property allowing for the rear yard addition to not overtake the rear yard.

The motion was seconded by Commissioner Velasquez.

Aye: Youkhanna, Velasquez, Hussain, Dervisevic, and Heller

Nay: None

Abstain: None

Motion Approved: 5-0

This item will go to the Village Board on September 7, 2023.

VI. Public Comment

The public was asked if anyone participating in the meeting would like to address the Zoning Board of Appeals. Let the record state that no one came forward.

VII. Next Meeting

The next meeting of the Zoning Board of Appeals is scheduled for Wednesday, September 20, 2023.

VIII. Adjournment

Motion to recommend adjournment was made by Commissioner Youkhanna and seconded by Commissioner Dervisevic. The meeting adjourned at 8:13 p.m.

Aye: Youkhanna, Velasquez, Hussain, Dervisevic, and Heller

Nay: None

Abstain: None

Motion Approved: 5-0

Respectfully submitted,

Marcos Classen
Community Development Coordinator



Draft **MEETING MINUTES
OF THE
October 25, 2023
ZONING BOARD OF APPEALS**

**LINCOLNWOOD VILLAGE HALL
Gerald C. Turry Village Board Room**

Zoning Board of Appeals Members Present: Chairman Bruce Heller, Commissioners Martin Youkhanna and Rizwan Hussain

Absent: Commissioners Aida Cantic, Meldina Dervisevic and Anna Valesquez

Staff Present: Village Clerk Beryl Herman, Village Attorneys Steve Elrod and Hart Passman; Village staff Scott Mangum, Community Development Director, and Doug Hammel, Planning & Economic Development Manager; Village Trustees Craig Klatzco, Atour Sargon, Jean Ikezoe Halevi, and Chris Martel; Plan Commission members Chairman Mark Yohanna, Commissioners Mark DeAngelis, Henry Novoselsky, Don Sampen, Adi Kohn, and Sue Auerbach; and representative of the Chaddick Institute and Illinois Chapter of the American Planning Association Michael Blue and John Carlisle

I. Call to Order/Roll Call

Chairman Heller noted that a quorum was not present but called the meeting to order at 7:01 p.m. to allow for ZBA action should another member of the ZBA arrive and create a quorum.

II. Pledge of Allegiance

III. Discussion: Joint Plan Commission/ Zoning Board of Appeals Training

Planning & Economic Development Manager Doug Hammel provided a brief introduction of the topic, and invited elected officials, appointed commissioners, and staff to introduce themselves. He then turned the presentation over to Michael Blue and John Carlisle, facilitators for the training session.

Throughout the presentation, Mr. Blue and Mr. Carlisle presented information related to the roles and responsibilities of members of the Plan Commission and ZBA, findings of fact and zoning standards, best practices for effective public meetings, and other topics related to the conduct of public meetings and hearings. During that presentation, attendees discussed several specific topics.

There was a brief discussion of ways that the Village tries to make the approval process as efficient as possible. Community Development Director Scott Mangum noted that the Village allows for a single reading of an ordinance, while some other communities require two readings.

The facilitators discussed the benefit of visiting a property prior to a hearing. Village Attorney Passman cautioned against communications with the Petitioner or other members of the public outside of the meeting during which a hearing is held.

Plan Commission Chairman Yohanna discussed past challenges and techniques when managing members of the public and Plan Commission.

Commissioners sought information about their ability to continue a case to allow for revisions. Mr. Blue stated that this is a good practice, and Mr. Hammel stated that staff works with a Petitioner before a hearing to address possible revisions to be more in compliance with zoning standards.

Plan Commissioner Henry Novoselsky asked whether staff should be providing recommendations. Mr. Hammel described staff's current approach of identifying considerations and possible conditions if the Plan Commission is inclined to recommend approval. This was discussed as a good approach.

Attendees discussed the application of Special Use and Variation standards, as well as the finding of hardship. Village Attorney Steve Elrod noted that communities vary in terms of what they allow to be considered a hardship. He also noted the role of the Plan Commission and ZBA in providing recommendations that are built upon a review of the zoning standards.

At 8:37 P.M., Commissioner Youkhanna departed the meeting.

Mr. Hammel clarified the ways that standards are presented for each case. It was determined that staff would provide a separate worksheet or checklist for Commissioners to use when reviewing materials related to an upcoming case.

There was discussion regarding the role of Trustee liaisons at Plan Commission or ZBA meetings. Mr. Elrod stated that the liaison can point out to staff instances when the Commission may be misinterpreting a policy or direction of the Village Board. However, liaisons should not express their own opinion or expertise about the facts of a request.

I. Next Meeting

The next meeting of the ZBA is scheduled for Wednesday, November 15, 2023.

II. Public Comment

An opportunity for public comment was announced. Let the record show that no one came forward.

III. Adjournment

Because the ZBA did not reach a quorum during the meeting, Village Attorney Hart Passman stated that an adjournment by the ZBA was not necessary.

The meeting ended at 9:18 pm.

Respectfully submitted,

Doug Hammel
Planning & Economic Development Manager



Zoning Board of Appeals Staff Report

Case #ZB-01-24

February 21, 2024

Subject Property:
6446 North Spaulding Avenue

Zoning District: R-4 Residential

Petitioner: Wamidh Jawad, property owner

Requested Action: Approval of Variation to reduce the required setback of an accessory structure to four feet to accommodate a pergola



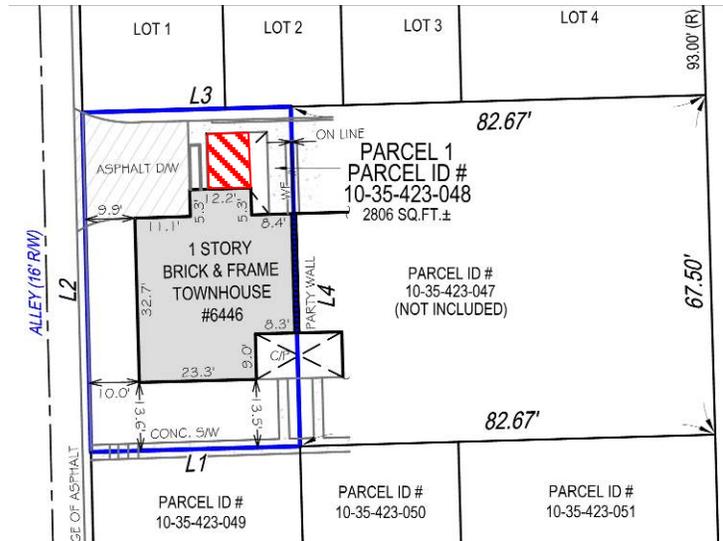
Notification: Notice was published in the Lincolnwood Review on February 1, 2024, a public hearing sign was installed at the subject property at 6851 North Knox Avenue, and mailed notices dated February 1, 2024, were sent to properties within 250 Feet.

Summary of Request

Wamidh Jawad, property owner, seeks approval of a Zoning Variation to allow for the installation of a pergola attached to the north side of the primary structure located at the property commonly known as 6446 North Spaulding Avenue. The parcel is approximately 42 feet by 67.5 feet and hosts an attached single-family dwelling unit. The subject property is part of a townhouse development that includes six units. Those units have pedestrian access from a sidewalk that runs east to west between the units and along the south lot line of the subject property. The subject property has its own dedicated parking area accessed from an alley immediately to the west, while other units share parking pads accessed from Spaulding Avenue. two-story single-family residence. The residential unit on the subject property has a total footprint of just under 1,000 square feet and is comprised of two stories. The overall six-unit townhouse lies within the R-4 Residential zoning district. There is another four-unit townhouse development immediately to the north, and properties to the south that may serve as either single-family or two-flat properties. To the west, properties with addresses on Christiana Avenue back up to the alley shared with the subject property. All of the abutting properties are also located in the R-4 Residential zoning district.



Photos of the pergola looking east from the alley (left) and west toward the alley (right)



Plat of Survey showing the subject property (blue outline), primary structure (gray shading), and pergola location (red hatched area)

Proposed Improvement

The Petitioner recently installed a pergola on the north side of the primary structure at the subject property. After being notified that a permit is required for such an improvement, the Petitioner has been working with staff to gain zoning and building compliance. The pergola is made of a wooden structure with dimensions of approximately 13.3' by 10.7'. It covers an existing concrete patio and has a fiberglass roof membrane.

It should be noted that the Zoning Board of Appeals (ZBA) is being asked to consider only zoning-related characteristics of the structure. If the necessary zoning relief is approved, the structure will be subject to other codes and regulation regarding the anchoring of the structure to the ground, structural design, roof design, drainage, etc.

Required Relief

Section 3.08(6) of the Zoning Ordinance states that “*a building intended for an accessory use, when attached to or a part of the principal building, shall be deemed a part of the principal building with regard to all setback and other requirements hereunder....*” Because the pergola is attached to the primary structure, it must provide all relevant setbacks from adjacent lot lines. Section 4.12 of the Zoning Ordinance establishes minimum setbacks for properties in the R-4 residential zoning district.

The application of required setback standards is unique in this situation. Typically, residential parcels have a clearly defined front lot line abutting a public right-of-way and street, which in turn allows the rear and side lot lines to be easily defined. Required setbacks corresponding to each type of lot line can then be applied. However, the subject property lacks a clearly defined front lot line because the only public right-of-way it abuts in an alley along the west lot line. In fact, when looking more broadly at the entirety of the townhouse development, there are some individual parcels that do not abut any public rights-of-way.

For the purposes of this request, staff has interpreted the lot lines as follows:

- The south lot line is considered the front lot line because it a) fronts on a sidewalk that generally serves as public access to the subject property and other properties in the same development, and b) serves as the “front door” to the dwelling unit on the subject property;
- The north lot line is considered the rear lot line because it lies opposite the front lot line and
- The east and west lot lines are considered interior lot lines because they abut either another parcel or a public right-of-way that is an alley.

Because the front and interior side yards are not impacted by the pergola, those existing setbacks are considered legal non-conforming and are not subject to the Petitioner’s request. However, the introduction of the pergola trigger compliance with the required rear yard setback of 30 feet, as per Section 4.12. The dimensions of the pergola result in a setback from the north lot line of approximately 2.6’ Therefore, a Variation from Section 4.12 is required to reduce the required setback from 30 feet to 2.6 feet.

Considerations

The ZBA may consider the following when deliberating the appropriateness of the requested relief.

Characteristics of the subject property

As noted earlier in this report, the dimensions of the subject property are 42 feet by 67.5 feet. This is substantially smaller than almost all other properties in the R Residential zoning districts to which the same setback requirements apply. (No distinction between is made between attached or detached single-family properties, or properties in the R-4 district as opposed to the other R Residential districts, when establishing the minimum rear yard setback.)

Due to the substantially smaller lot size, the primary structure on the property cannot provide the same size setbacks as either what is required by the Zoning Ordinance or what are provided

by other single-family properties throughout the Village. Without taking the pergola into account, the distance between the primary structure and the rear lot line is approximately 16 feet.

Compliance with other zoning standards

It is worth noting that the pergola would be compliant with all other zoning regulations other than rear setback. Because the pergola is not enclosed living space, it does not impact building coverage or Floor Area Ratio calculations. Because the area under the pergola is already a hard surface, it does not impact impervious surface calculations.

Applicability of building and stormwater standards through permitting

As noted earlier in this report, the pergola, if granted the requested zoning relief, would be subject to other regulations administered through the Building Permit process. These regulations include, among others, the requirement to procure a Building Permit and pass related inspections, compliance with Building Code standards for attachment to the primary structure, the structural design of the pergola, and its anchoring to the ground, and compliance with stormwater discharge regulations related to distance from adjacent properties and direction of stormwater discharge from the gutter system. Compliance with these standards will be confirmed during permitting and inspections.

Existing landscape screening along the north lot line

The pergola would be approximately 2.6 feet from the north lot line of the subject property. There is currently a row of tall hedges running along the north lot line and adjacent to the property immediately to the north. That property has a driveway along its southern portion, then the rear yard of properties fronting on Arthur Avenue. The row of tall hedges provides an effective screen between the subject property and the one to the north, and appears to straddle the north lot line of the subject property.



Variation Standards

When considering the appropriateness of a Variation request, Section 5.15(7) of the Zoning Code states that “*there shall be taken into consideration the extent to which the following facts are established:*

- a) *The requested major variation is consistent with the stated intent and purposes of this Zoning Ordinance and the Comprehensive Plan;*
- b) *The particular physical surroundings, shape or topographical conditions of the subject property would bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of this Zoning Ordinance is enforced;*
- c) *The conditions upon which the petition for the variation is based would not be applicable generally to other property within the same zoning district;*
- d) *The variation is not solely and exclusively for the purpose of enhancing the value of or increasing the revenue from the property;*

- e) *The alleged difficulty or hardship has not been created by any person presently having an interest in the property;*
- f) *The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;*
- g) *The variation granted is the minimum change to the Zoning Ordinance standards necessary to alleviate the practical hardship on the subject property; and*
- h) *The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.”*

Public Comment

Staff did not receive public comment prior to the drafting of this report. Any public comment received prior to the public hearing will be presented to the ZBA at that time.

Prior Similar Requests

Given the unique characteristics of the subject property, staff was unable to find any prior similar cases that are directly analogous to this Petitioner’s request. However, staff is providing information on the following cases that may provide context for the ZBA to consider when deliberating the Petitioner’s requested relief.

6851 North Knox Avenue (2023)

The property owner originally sought Variations to install a one-story addition along the north lot line of the property. The plan required a reduction in the side yard setback from six feet to 4.66 feet (to match the existing legal non-conforming garage setback), and a reduction in the rear yard setback from 30 feet to 20 feet. The ZBA recommended approval of the requested relief. However, the Village Board requested that the Petitioner consider reconfiguring the plan to reduce the magnitude of the requested Variations. The revised plan complied with the required side yard setback and reduced the requested rear yard setback to 27 feet instead of 30 feet as required by the code. The Village Board approved the revised request by a 4-3 vote.

6721 North Lemai (2021)

The property owner sought a Variation to install an addition along the north lot line that would include an upper-floor addition above the attached garage and a two-floor addition to the rear of the garage. The ZBA unanimously recommended approval of the request, noting that the existing deck above the garage established a building height similar to the height of the proposed eave, thereby minimizing the amount of new incremental impact on the neighboring property. The Village Board concurred with the ZBA’s recommendation and granted the Variation request.

6827 Knox (2019)

The property owner sought a Variation to install a second-floor addition over an existing garage with a side yard setback with a side yard setback of 4.9’, rather than the required 6’ setback. The ZBA unanimously recommended approval of the request, noting that there would be no incremental impacts from the existing configuration. The Village Board unanimously approved the request.

6609 Kolmar (2018)

The property owner sought a Variation to demolish and rebuild an existing garage with a side yard setback with a side yard setback of 6', rather than the required 7' setback. The ZBA unanimously recommended approval of the request, noting that there would be no incremental impacts from the existing configuration. The Village Board unanimously approved the request.

Conclusion

The Petitioner seeks approval of a Zoning Variation from Section 4.12 to allow the reduction in the rear yard setback from 30 feet to 2.6 feet in order to accommodate a pergola as an attached accessory structure.

Documents Attached

1. Variation Standards Form
2. Plat of Survey
3. Description of Construction Plans
4. Property Photos Submitted by the Petitioner
5. Relevant Regulations
6. ZBA Commissioner Checklist of Variation Standards



Variation Standards

To be approved, each Variation request must meet certain specific standards. These standards are listed below. After each listed standard, explain how your Variation request satisfies the listed standard.

Project Address	6446 N Spaulding ave.
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1. The requested Variation is consistent with the stated intent and purposes of the Zoning Ordinance and the Comprehensive Plan.

Yes, the purpose of this variation is to match a fair zoning calculations in proportion to the small lot size, the lot has a unique configuration.

2. The particular physical surroundings, shape or topographical conditions of the subject property would bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of this Zoning Ordinance is enforced.

The townhouse is boarded by two Alleys. The property has a small lot size than the vast majority of the single family properties in the village that if the same regulation applied it won't be possible to meet the required setback.

3. The conditions upon which the petition for the Variation is based would not be applicable generally to other property within the same Zoning District.

The small lot size compare to the single family properties in the village left us with a very small area to utilize in the back of the house to meet the required setback if the same regulation applied

4. The Variation is not solely and exclusively for the purpose of enhancing the value of or increasing the revenue from the property.

no, its just to keep a pergola structure at the back of the house patio area.

5. The alleged difficulty or hardship has not been created by any person presently having an interest in the property.

no, its there due to the unqiue layout and configuration of the lot

6. The granting of the Variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

no, the variation targeting the area at the back of the house where its facing an ally and withing the townhouse borders.

7. The Variation granted is the minimum change to the Zoning Ordinance standards necessary to alleviate the practical hardship on the subject property.

yes.

8. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.

no, it will not

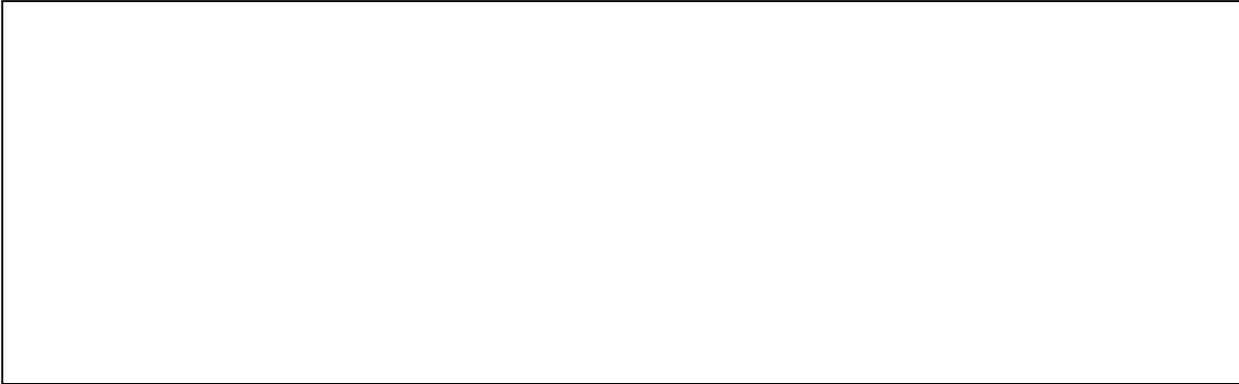
Sign Variation Standards

For all Sign Variation and/or Special Sign requests, the Applicant shall also complete Questions 9 through 12.

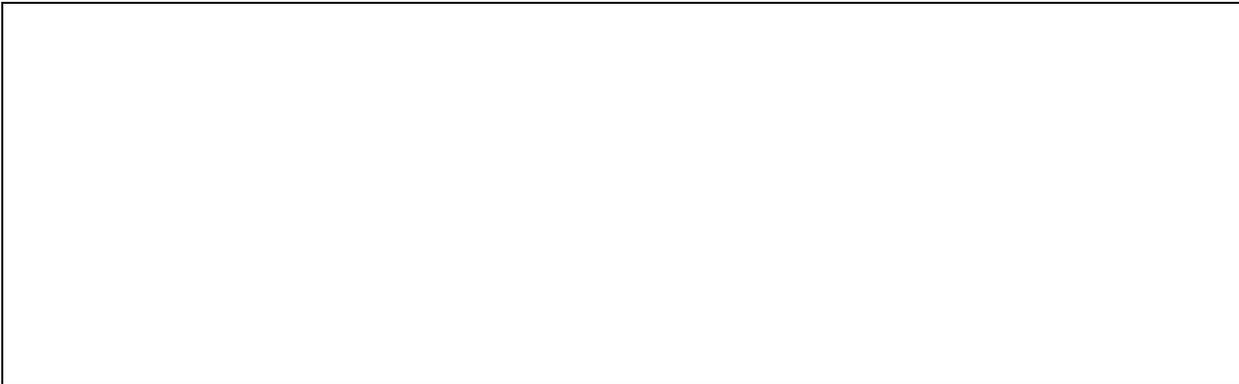
9. The proposed Variation is consistent with the statement of purpose set forth in Section 11.01 of the Zoning Ordinance.

10. The proposed sign complies with any additional standards or conditions set forth in Article XI of the Zoning Ordinance.

11. The proposed sign will substantially enhance the architectural integrity of the building or other structure to which it will be attached, if any.



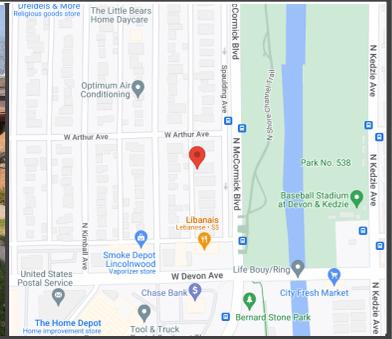
12. The proposed sign conforms with the design and appearance of nearby structures and signs.



Once you have completed the responses to the standards above, please return to your online application and upload this document to that application.



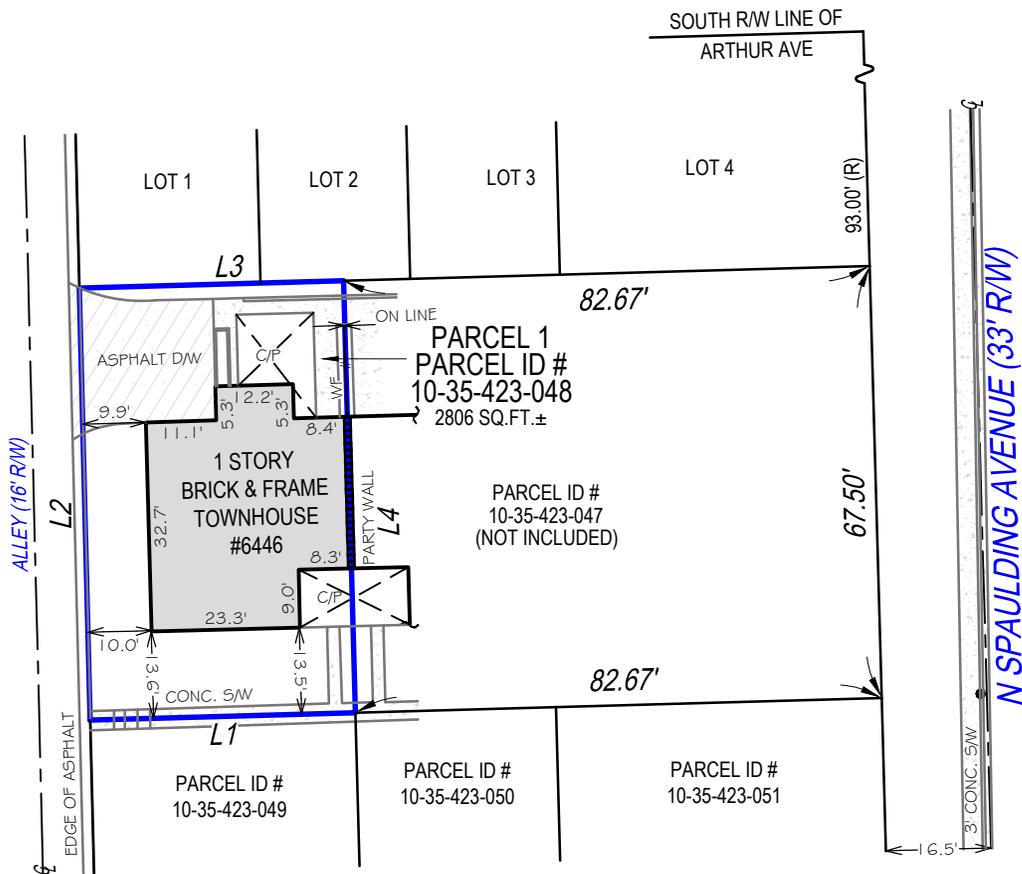
www.exactalands.com | office: 773.305.4011



PROPERTY ADDRESS: 6446 N SPAULDING AVENUE, LINCOLNWOOD, ILLINOIS 60712

SURVEY NUMBER: 2312.0743

23120743
PLAT OF SURVEY
COOK COUNTY



LINE TABLE:
 L1 67.50' (R)
 S 88°33'38" W 41.66' (C)
 L2 67.50' (R)
 N 1°17'18" W 67.50' (C)
 L3 67.50' (R)
 N 88°33'38" E 41.48' (C)
 L4 67.50' (R)
 S 1°26'22" E 67.50' (C)



GRAPHIC SCALE (In Feet)
1 inch = 30' ft.

STATE OF ILLINOIS } SS
COUNTY OF LASALLE }

THIS IS TO CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. GIVEN UNDER MY HAND AND SEAL THIS DATE HEREON.



ILLINOIS PROFESSIONAL LAND SURVEYOR No. 2971
LICENSE EXPIRES 11/30/2024
EXACTA LAND SURVEYORS, LLC
PROFESSIONAL DESIGN FIRM 184008059-0008

POINTS OF INTEREST:
NONE VISIBLE



Exacta Land Surveyors, LLC
PLS# 184008059
o: 773.305.4011
316 East Jackson Street | Morris, IL 60450



DATE OF SURVEY: 12/07/23
FIELD WORK DATE: 12/6/2023
REVISION DATE(S): (REV.0 12/7/2023)

SEE PAGE 2 OF 2 FOR LEGAL DESCRIPTION
PAGE 1 OF 2 - NOT VALID WITHOUT ALL PAGES

JOB SPECIFIC SURVEYOR NOTES:

LEGAL DESCRIPTION:

PARCEL 1: LOT 122 (EXCEPT THE EAST 82.67 FEET THEREOF, MEASURED ALONG THE NORTH LINE AND THE SOUTH LINE OF SAID LOT, AND ALSO EXCEPT THE WEST 9.5 FEET OF SAID LOT AS MEASURED ALONG THE NORTH LINE AND THE SOUTH LINE THEREOF), ALSO LOT 121 (EXCEPT THE EAST 82.67 FEET THEREOF, MEASURED ALONG THE NORTH LINE AND THE SOUTH LINE OF SAID LOT), ALSO THE NORTH 7.50 FEET OF LOT 120 MEASURED ALONG THE EAST LINE AND THE WEST LINE OF SAID LOT (EXCEPT THE EAST 82.67 FEET OF SAID LOT, MEASURED ALONG THE NORTH LINE AND THE SOUTH LINE THEREOF), IN EDGAR S. OWENS NORTH SHORE CHANNEL AND DEVON AVENUE SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK 168, PAGE 10 AS DOCUMENT 7345199, BEING BLOCK 1 AND THE EAST 1/2 OF BLOCK 2 IN ENDERS AND MUNOS SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THE WEST 9.5 FEET OF LOT 122 MEASURED ALONG THE NORTH LINE AND THE SOUTH LINE OF SAID LOT IN SAID EDGAR S. OWENS NORTH SHORE CHANNEL AND DEVON AVENUE SUBDIVISION, IN COOK COUNTY, ILLINOIS.

PARCEL 2: EASEMENTS FOR INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL 1 AS SET FORTH AND DEFINED IN THE DECLARATION RECORDED AS DOCUMENT 17787845 AND SUBSEQUENTLY AMENDED.

GENERAL SURVEYOR NOTES:

- The Legal Description used to perform this survey was supplied by others. This survey does not determine nor imply ownership of the lands or any fences shown hereon. Unless otherwise noted, an examination of the abstract of title was NOT performed by the signing surveyor to determine which instruments, if any, are affecting this property.
- The purpose of this survey is to establish the boundary of the lands described by the legal description provided and to depict the visible improvements thereon for a pending financial transaction. Underground footings, utilities, or other service lines, including roof eave overhangs were not located as part of this survey. Unless specifically stated otherwise the purpose and intent of this survey is not for any construction activities or future planning.
- If there is a septic tank or drain field shown on this survey, the location depicted hereon was either shown to the surveyor by a third party or it was estimated by visual above ground inspection. No excavation was performed to determine its location.
- This survey is exclusively for a pending financial transaction and only to be used by the parties to whom it is certified.
- Alterations to this survey map and report by other than the signing surveyor are prohibited.
- Dimensions are in feet and decimals thereof.
- Any FEMA flood zone data contained on this survey is for informational purposes only. Research to obtain said data was performed at www.fema.gov and may not reflect the most recent information.
- Unless otherwise noted "SIR" indicates a set iron rebar, 5/8 inch in diameter and twenty-four inches long.
- The symbols reflected in the legend and on this survey may have been enlarged or reduced for clarity. The symbols have been plotted at the approximate center of the field location and may not represent the actual shape or size of the feature.
- Points of Interest (POI's) are select above-ground improvements, which may appear in conflict with boundary, building setback or easement lines, as defined by the parameters of this survey. These POI's may not represent all items of interest to the viewer. There may be additional POI's which are not shown or called-out as POI's, or which are otherwise unknown to the surveyor.
- Utilities shown on the subject property may or may not indicate the existence of recorded or unrecorded utility easements.
- The information contained on this survey has been performed exclusively by and is the sole responsibility of Exacta Land Surveyors, LLC. Additional logos or references to third party firms are for informational purposes only.
- Due to varying construction standards, building dimensions are approximate and are not intended to be used for new construction or planning.
- Surveyor bearings are used for angular reference and are used to show angular relationships of lines only and are not related or orientated to true or magnetic north. Bearings are shown as surveyor bearings, and when shown as matching those on the subdivision plats on which this survey is based, they are to be deemed no more accurate as the determination of a north orientation made on and for those original subdivision plats. North 00 degrees East is assumed and upon preparation of this plat, the resulting bearing between found points as shown on this survey is the basis of said surveyor bearings as defined and required to be noted by Illinois Administrative Code Title 68, Chapter VII, Sub-Chapter B, Part 1270, Section 1270.56, Paragraph B, Sub-Paragraph 6, Item k.
- THIS SURVEY IS A PROFESSIONAL SERVICE IN COMPLIANCE WITH THE MINIMUM STANDARDS OF THE STATE OF ILLINOIS. NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. PLEASE REFER ALSO TO YOUR DEED, TITLE POLICY AND LOCAL ORDINANCES. COPYRIGHT BY EXACTA ILLINOIS SURVEYORS. THIS DOCUMENT MAY ONLY BE USED BY THE PARTIES TO WHICH IT IS CERTIFIED. PLEASE DIRECT QUESTIONS OR COMMENTS TO EXACTA ILLINOIS SURVEYORS, INC. AT THE PHONE NUMBER SHOWN HEREON.

SURVEYOR'S LEGEND

LINETYPES	
	Boundary Line
	Center Line
	Chain Link or Wire Fence
	Easement
	Edge of Water
	Iron Fence
	Overhead Lines
	Structure
	Survey Tie Line
	Vinyl Fence
	Wall or Party Wall
	Wood Fence
SURFACE TYPES	
	Asphalt
	Brick or Tile
	Concrete
	Covered Area
	Water
	Wood
SYMBOLS	
	Benchmark
	Center Line
	Central Angle or Delta
	Common Ownership
	Control Point
	Catch Basin

Symbol	Description
	Elevation
	Fire Hydrant
	Find or Set Monument
	Guywire or Anchor
	Manhole
	Tree
	Utility or Light Pole
	Well

ABBREVIATIONS

- (C) - Calculated
- (D) - Deed
- (F) - Field
- (M) - Measured
- (P) - Plat
- (R) - Record
- (S) - Survey
- A/C - Air Conditioning
- AE - Access Easement
- ANE - Anchor Easement
- ASBL - Accessory Setback Line
- B/W - Bay/Box Window
- BC - Block Corner
- BFP - Backflow Preventer
- BLDG - Building
- BLK - Block
- BM - Benchmark
- BR - Bearing Reference
- BRL - Building Restriction Line
- BSMT - Basement
- C - Curve
- C/L - Center Line
- C/P - Covered Porch
- C/S - Concrete Slab
- CATV - Cable TV Riser
- CB - Concrete Block
- CH - Chord Bearing
- CHIM - Chimney
- CLF - Chain Link Fence
- CME - Canal Maintenance Easement
- CO - Clean Out
- CONC - Concrete
- COR - Corner
- CS/W - Concrete Sidewalk
- CUE - Control Utility Easement
- CVG - Concrete Valley Gutter
- D/W - Driveway
- DE - Drainage Easement
- DF - Drain Field
- DH - Drill Hole
- DUE - Drainage & Utility Easement
- ELEV - Elevation
- EM - Electric Meter
- ENCL - Enclosure
- ENT - Entrance
- EOP - Edge of Pavement
- EOW - Edge of Water
- ESMT - Easement
- EUB - Electric Utility Box
- F/DH - Found Drill Hole
- FCM - Found Concrete Monument
- FF - Finished Floor
- FIP - Found Iron Pipe
- FIPC - Found Iron Pipe & Cap

- FIR - Found Iron Rod
- FIRC - Found Iron Rod & Cap
- FN - Found Nail
- FN&D - Found Nail & Disc
- FRRSPK - Found Rail Road Spike
- GAR - Garage
- GM - Gas Meter
- ID - Identification
- IE/EE - Ingress/Egress Easement
- ILL - Illegible
- INST - Instrument
- INT - Intersection
- IRRE - Irrigation Easement
- L - Length
- LAE - Limited Access Easement
- LB# - License No. (Business)
- LBE - Limited Buffer Easement
- LE - Landscape Easement
- LME - Lake/Landscape Maintenance Easement
- LS# - License No. (Surveyor)
- MB - Map Book
- ME - Maintenance Easement
- MES - Mitered End Section
- MF - Metal Fence
- MH - Manhole
- MHWL - Mean High Water Line
- NR - Non-Radial
- NTS - Not to Scale
- NAVD88 - North American Vertical Datum 1988
- NGVD29 - National Geodetic Vertical Datum 1929
- OG - On Ground

- ORB - Official Records Book
- ORV - Official Record Volume
- O/A - Overall
- O/S - Offset
- OH - Outside Subject Property
- OH - Overhang
- OHL - Overhead Utility Lines
- OHWL - Ordinary High Water Line
- ON - Inside Subject Property
- P/E - Pool Equipment
- PB - Plat Book
- PC - Point of Curvature
- PCC - Point of Compound Curvature
- PCP - Permanent Control Point
- PI - Point of Intersection
- PLS - Professional Land Surveyor
- PLT - Planter
- POB - Point of Beginning
- POC - Point of Commencement
- PRC - Point of Reverse Curvature
- PRM - Permanent Reference Monument
- PSM - Professional Surveyor & Mapper
- PT - Point of Tangency
- PUE - Public Utility Easement
- R - Radius or Radial
- R/W - Right of Way
- RES - Residential
- RGE - Range
- ROE - Roof Overhang Easement
- RP - Radius Point
- S/W - Sidewalk
- SBL - Setback Line
- SCL - Survey Closure Line
- SCR - Screen
- SEC - Section
- SEP - Septic Tank
- SEW - Sewer
- SIRC - Set Iron Rod & Cap
- SMWE - Storm Water Management Easement
- SN&D - Set Nail and Disc
- SQFT - Square Feet
- STL - Survey Tie Line
- STY - Story
- SV - Sewer Valve
- SWE - Sidewalk Easement
- TBM - Temporary Bench Mark
- TEL - Telephone Facilities
- TOB - Top of Bank
- TUE - Technological Utility Easement
- TWP - Township
- TX - Transformer
- TYP - Typical
- UE - Utility Easement
- UG - Underground
- UP - Utility Pole
- UR - Utility Riser
- VF - Vinyl Fence
- W/C - Witness Corner
- W/F - Water Filter
- WF - Wood Fence
- WM - Water Meter/Valve Box
- WV - Water valve

CERTIFIED TO:
WAMIDH JAWAD;

FLOOD ZONE INFORMATION:

DATE SIGNED: 12/07/23

BUYER: WAMIDH JAWAD

LENDER:

TITLE COMPANY:

COMMITMENT DATE:

CLIENT FILE NO:

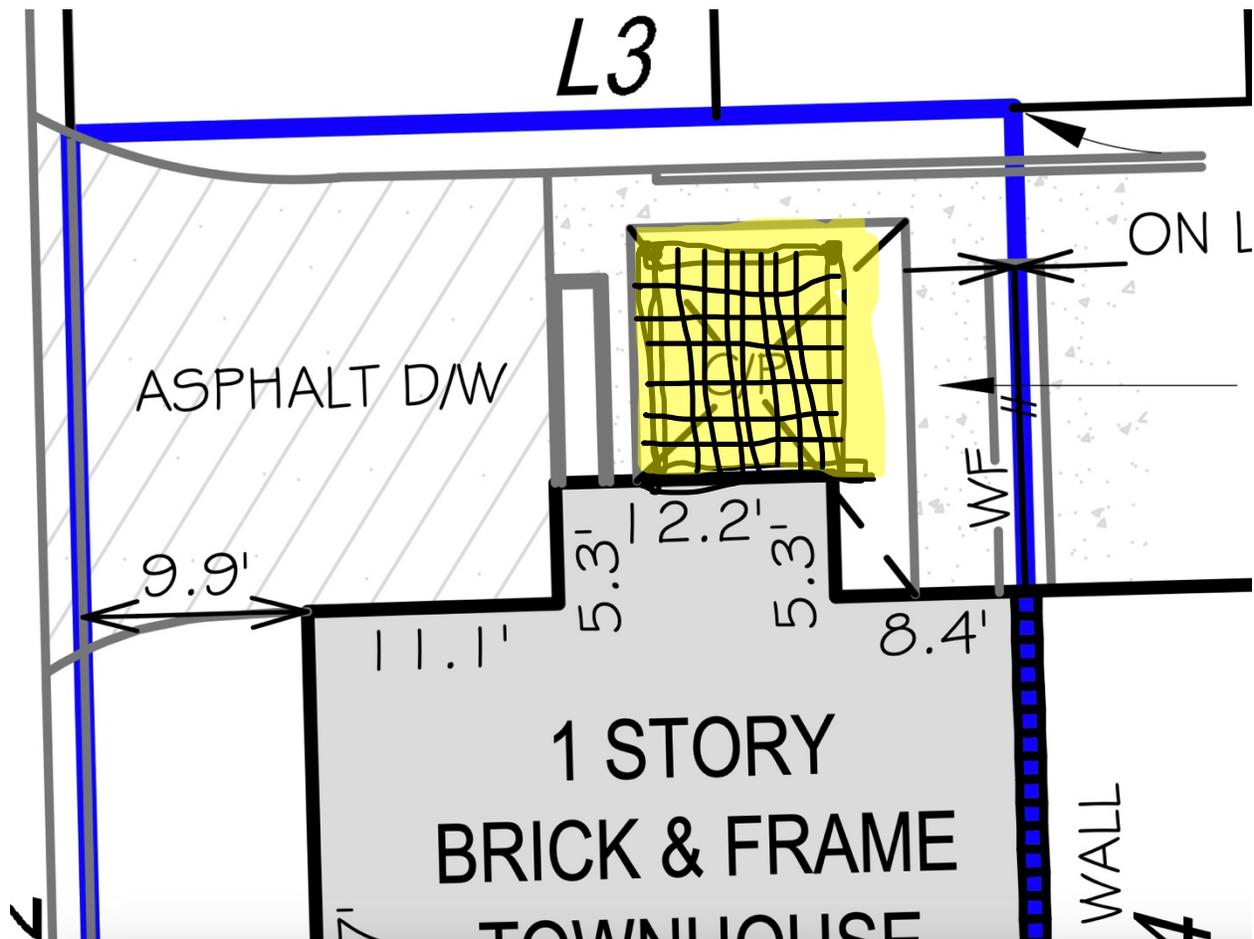
SEE PAGE 1 OF 2 FOR MAP OF PROPERTY
PAGE 2 OF 2 - NOT VALID WITHOUT ALL PAGES



Exacta Land Surveyors, LLC
 PLS# 184008059
 o: 773.305.4011
 316 East Jackson Street | Morris, IL 60450

Construction Plans:

- Area highlighted below is where the pergola installed.
- The pergola dimensions are WX13.3' L10.7' HX7'.
- Two pressed treated wooden 6"X6" posts were used.
- The distance between the two posts is 10'.
- Each post has a metal base fixed with 6" deep screw.
- I used two wooden rails above the posts are 2"X12"X13.'fixed by two 6" screws on each side of the posts from the top.
- I used one wooden rail attached to the wall 2"X10"X13, fixed by 8 screws drilled in the wall 4" deep.
- I used 11 wooden rails 2"X10.7' from the wall to the post rails.





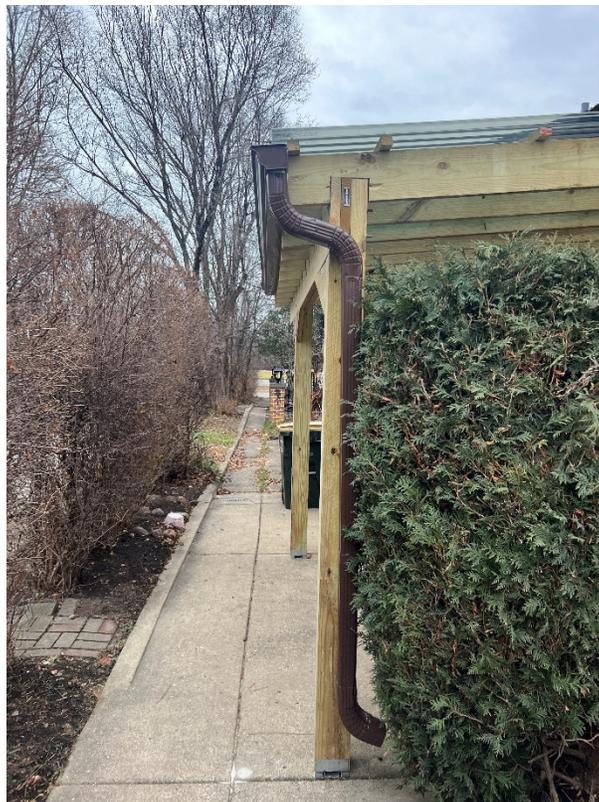






Attachment #4. Property Photos Submitted by the Petitioner





Attachment #5. Relevant Regulations

4.12 Area, bulk, density and setback standards: R-4 - General Residence District.

[Abridged for brevity]

Yard Standards

Minimum front setback (feet) (Note 5)	25
Minimum front yard coverage with landscaping (%)	50%
Min. interior side setback (feet) single-family detached dwellings	The greater of 5 or 10% of lot width
Min. interior side setback (feet) single-family semidetached dwellings (one yard only)	5
Min. interior side yard (single-family attached)	None
Min. interior side yard setback (feet) multifamily dwellings and nonresidential uses	5
Min. corner side yard setback (feet)	10
Min. rear setback (feet)	30
Min. rear setback (feet) where alley exists (measured from center line of alley)	38

3.08 Accessory buildings, structures and uses.

(1) Accessory uses shall be permitted with all permitted and special uses as allowed in the various zoning districts.

(2) Accessory uses shall be compatible with the principal use and shall not be established prior to the establishment of the principal use, and shall not include the keeping, propagation, or culture of pigeons, poultry or livestock, whether or not for profit.

(3) Every tower, pole or antenna structure shall comply with the rear yard setback requirements of this Zoning Ordinance and as specifically set forth in Subsection 3.12 of this article.

(4) Except as otherwise regulated herein, an accessory building hereafter erected, altered, enlarged or moved on a lot shall conform with the following:

- a. A detached accessory building shall not be nearer than 15 feet from the nearest wall of the principal building, nor within 60 feet of the front lot line.
- b. A detached accessory building or an accessory building when attached to the principal building shall not be located in a front yard, interior side yard or side yard abutting a street; except that an attached garage may be located in a front or side yard provided that applicable setback requirements are met.
- c. A detached accessory building or structure in a rear yard shall be not less than three feet from a lot line, except:
 - i. On corner lots: not less than five feet from a rear lot line which adjoins a lot in a Residence District and not less than required corner front yard abutting a street;
 - ii. On through lots: not less than the distance required for a front yard setback from the rear lot line abutting a street; and
 - iii. An accessory building having vehicular access from an alley not less than five feet from the lot line abutting the alley.

(5) A detached accessory building or structure greater than 120 square feet in area located in a rear yard shall not exceed one story or 17 feet in height, whichever is lower. An accessory building or structure of 120 square feet or less in area located in the rear yard shall not exceed 12 feet in height. Accessory buildings shall not occupy more than 30% of a rear yard.

(6) A building intended for an accessory use, when attached to or a part of the principal building, shall be deemed a part of the principal building with regard to all setback and other requirements hereunder. If a building intended for an accessory use is attached to or made part of the principal building, it must meet Building Code standards for the principal building.

5.15 Major variations.

(7) Standards. In determining whether in a specific case there are practical difficulties or particular hardships in the way of carrying out the strict letter of this Zoning Ordinance, there shall be taken into consideration the extent to which the following facts are established:

- a. The requested major variation is consistent with the stated intent and purposes of this Zoning Ordinance and the Comprehensive Plan;
- b. The particular physical surroundings, shape or topographical conditions of the subject property would bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of this Zoning Ordinance is enforced;
- c. The conditions upon which the petition for the variation is based would not be applicable generally to other property within the same zoning district;
- d. The variation is not solely and exclusively for the purpose of enhancing the value of or increasing the revenue from the property;

- e. The alleged difficulty or hardship has not been created by any person presently having an interest in the property;
- f. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
- g. The variation granted is the minimum change to the Zoning Ordinance standards necessary to alleviate the practical hardship on the subject property; and
- h. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Village of Lincolnwood Plan Commission: Variation Standards Checklist

ZBA Worksheet for Special Use Requests

Commissioners can separate this worksheet from their packet and make their own notes in advance of the hearing. This is intended to assist in the establishment of findings of fact that may support a recommendation to be forwarded to the Village Board.

How the Standards Should Be Applied

Section 5.15(7) states that *“in determining whether in a specific case there are practical difficulties or particular hardships in the way of carrying out the strict letter of this Zoning Ordinance, there shall be taken into consideration the extent to which the following facts are established....”*

Variation Standards Worksheet

Address: 6446 N Spaulding Avenue

Case #: ZB-01-24

Proposed Use/Development: Pergola as an attached accessory structure

Standards	Comments/Additional Questions for Discussion
A. The requested major variation is consistent with the stated intent and purposes of this Zoning Ordinance and the Comprehensive Plan	
B. The particular physical surroundings, shape or topographical conditions of the subject property would bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of this Zoning Ordinance is enforced	
C. The conditions upon which the petition for the variation is based would not be applicable generally to other property within the same zoning district	
D. The variation is not solely and exclusively for the purpose of enhancing the value of or increasing the revenue from the property	
E. The alleged difficulty or hardship has not been created by any person presently having an interest in the property	

Village of Lincolnwood Plan Commission: Variation Standards Checklist

<p>F. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located</p>	
<p>G. The variation granted is the minimum change to the Zoning Ordinance standards necessary to alleviate the practical hardship on the subject property</p>	
<p>H. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood</p>	
<p>I. For variations from Article XI (Signs) of this Zoning Ordinance:</p> <ul style="list-style-type: none">(1) The proposed variation is consistent with the statement of purpose set forth in Section 11.01 of this Zoning Ordinance;(2) The proposed sign complies with any additional standards or conditions set forth in Article XI of this ordinance;(3) The proposed sign will substantially enhance the architectural integrity of the building or other structure to which it will be attached, if any; and(4) The proposed sign conforms with the design and appearance of nearby structures and signs.	